

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

MARGIE CHERRY and ESTORIA CHERRY, on
behalf of themselves and all others similarly situated,

Plaintiffs,

v.

THE CITY COLLEGE OF SAN FRANCISCO
("City College") LAWRENCE WONG, in his
official capacity as President of the Board of
Trustees, MILTON MARKS, III, in his official
capacity as Vice-President of the Board of Trustees,
DR. NATALIE BERG, JOHNNIE CARTER, JR.,
DR. ANITA GRIER, JULIO J. RAMOS, RODEL E.
RODIS, in their official capacities as members of the
Board of Trustees, and DR. PHILIP R. RAY, JR., in
his official capacity as Chancellor,

Defendants.

No. C 04-04981 WHA

**ORDER REGARDING
SUPPLEMENTAL BRIEFS**

To compensate for the excessive and unauthorized pages used by plaintiffs in their recent supplemental brief, defendants may file a reply, not to exceed fifteen pages, by **10 A.M. ON WEDNESDAY, JUNE 15, 2005**, responding to plaintiffs' supplemental brief. In doing so, defendants shall please address the issues plaintiffs raised concerning the *Armstrong* case and the alleged inadequacy of defendants' transition plan as a basis for class certification as well as whether there is a private right of action to enforce ADA transition plans under the relevant statutes. In addition, defendants should address whether such private right of action extends to both new and old construction. Defendants should also address the *Putnam* decision, the *Siddiqi* decision, the *Guckenberger* decision and plaintiffs' assertions at pages 30:26–31:8.

1 Also by **WEDNESDAY AT 10 A.M.**, plaintiffs shall file a two-page memorandum on the
2 following. It is the Court's understanding that *Lopez* did not certify any damages issues for
3 class treatment, contrary to the statements in plaintiffs' supplemental brief at page 37.
4 Specifically, in *Lopez*, the parties stipulated to class certification "solely for injunctive and
5 declaratory relief." In any event, Judge Illston's Order Denying Defendants' Motion to
6 Decertify the Class noted that plaintiffs were "no longer seek[ing] damages" (Order at 8).
7 Please clarify. Otherwise, plaintiffs shall file no more briefs (or letters) unless invited by the
8 Court to do so.

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10 **IT IS SO ORDERED.**

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12 Dated: June 12, 2005



13 WILLIAM ALSUP
14 UNITED STATES DISTRICT JUDGE
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